

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDUARDO HERIBERTO
MENDOZA ALMANZA,

Defendant.

CR 22–31–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 24.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Eduardo Heriberto Mendoza Almanza is charged with one count of illegal reentry, in violation of 8 U.S.C. § 1326(a) and (b)(1). (Doc. 2.) Judge DeSoto recommends that this Court accept Mr. Mendoza Almanza’s guilty plea as to the Indictment after he appeared before her pursuant to Federal Rule of Criminal

Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 24) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Mendoza Almanza's motion to change plea (Doc. 18) is GRANTED.

IT IS FURTHER ORDERED that Eduardo Heriberto Mendoza Almanza is adjudged guilty as charged in the Indictment.

DATED this 7th day of December, 2022.



Dana L. Christensen, District Judge
United States District Court